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| 09/555,917 | 06/06/2000 | JASON STUART FLYNN | 36-1316 | 9648 |

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EXAMINER

AFSHAR, KAMRAN

| | |
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| ART UNIT | PAPER NUMBER |
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2681

DATE MAILED: 07/07/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/555,917

Applicant(s)

FLYNN, JASON STUART

Examiner

Kamran Afshar, 703-305-7373

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/4/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/4/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. **setting up a proxy address to which data is sent when the intended destination cannot be located, where in the data is stored in an alternative location which is a proxy terminal, until the mobile terminal is available to receive data messages, at which point any messages intend for the mobile terminal and currently held at the proxy terminal is forwarded to the main terminal.**) are not recited in independent rejected claims 1, 11, 12, 14, 17 (See e.g. Page 9, Lines 4-12). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Therefore, the previous rejection is maintained. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7-8, 11-14, & 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Callon (U.S. Patent 5, 583,862).

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With respect to claim 1, Callon discloses a method of routing data directed to a mobile node in a communications system (See e.g. Title, Abstract, Co. 2, Lines 6-25), comprising the steps of: maintaining reachability information for the mobile node (See e.g. Co. 5, Lines 52 – Co. 6, Lines 7); and sending data directed to the mobile node when the information for the mobile node indicates that mobile node is reachable (See e.g. Co. 5, Lines 40-51); and setting a destination an alternative destination to which data is to be sent when the reachability information indicates that the mobile node to which the data is directed is unreachable (See e.g. Co. 6, Lines 8 – Co. 7, Line 8, Figs. 4-5 & entire document).

Regarding claim 7, Callon discloses the reachability information comprises at least one destination address (See e.g. co. 6, Lines 40-48, Co. 6, Lines 57-67).

Regarding claim 8, Callon discloses the communications system comprises an Internet Protocol (IP) based system (See e.g. Co. 4, Lines 29-44).

With respect to claim 11, Callon discloses a mobile communications system, a mobile node (See e.g. Title, Abstract, Co. 2, Lines 6-25); means for maintaining reachability information for the mobile node (See e.g. 205 of Fig. 2); means for receiving messages directed to the mobile node (See e.g. 203 of Fig. 2); and a service controller configured to set a destination (See e.g. 201 of Fig. 2), to which message directed to the mobile node are to be forwarded when the reachability information indicates that the mobile node is unreachable (See e.g. Co. 5, Lines 52 – Co. 6, Lines 7).

With respect to claim 12, Callon discloses a method of routing data directed to a mobile host which is away from its home network (See e.g. Title, Abstract, Co. 2, Lines 6-25); maintaining a record of locations through which the data can be routed to the mobile host (See e.g. 205 of Fig. 2, Co. 5, Lines 40-51), and in the event that the data cannot be routed to the mobile host through any of the locations specified in the record (See e.g. Co. 5, Lines 52 – Co. 6, Lines 7), then routing the data to an alternative destination from which it is available for subsequent retrieval to the mobile host (See e.g. Co. 6, Lines 8 – Co. 7, Line 8, Figs. 4-5 & entire document).

Regarding claim 13, Callon discloses alternative destination until the mobile host becomes available (See e.g. Steps 500-506 of Fig. 5, Co. 6, Line 57 – Co. Co. 7, Line 8).

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With respect to claim 14, Callon discloses a mobile communications system comprising: a mobile host movable between its home network and a plurality of connected communications networks (See e.g. Title, Abstract, Co. 2, Lines 6-25); a router configured to route data intended for the mobile host to a location through which the data can be sent to the mobile host (See e.g. Co. 5, Lines 52 – Co. 6, Lines 7), when the mobile host is away from its home network (See e.g. Co. 5, Lines 40-51); and a service controller configured to intervene so as to send the data to an alternative location, when the data cannot be sent to the mobile host (See e.g. Co. 6, Lines 8 – Co. 7, Line 8, Figs. 4-5 & entire document).

With respect to claim 17, Callon discloses method of routing data directed to a mobile node in a communication system (See e.g. Title, Abstract, Co. 2, Lines 6-25), maintaining reachability information for the mobile node (See e.g. 205 of Fig. 2, Co. 5, Lines 40-51); and setting a destination to which data is to be sent from the from a sender of the data only when the reachability information indicates that the mobile node is unreachable (See e.g. Co. 5, Lines 52 – Co. 6, Lines 7), said destination being a destination other than the unreachable mobile node (See e.g. Co. 6, Lines 8 – Co. 7, Line 8, Figs. 4-5 & entire document).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callon (U.S. Patent 5, 583,862) in view of Kulkarni (U.S. Patent 5,862,481).

With respect to claims 2-4, Callon disclosed everything as discussed above in claim 1, However, Callon did not explicitly teach proxy node. In the same field of endeavor, Kulkarni clearly teaches proxy node (See Abstract, Co. 5, Lines 15-23). Therefore, it would have been obvious to one ordinary skill in the

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art at the time of the invention to provide above teaching of Kulkarin to Callon to reduce storage requirements and simplifies data integrity requirements as suggested by Kulkarin (See Co. 3, Lines 25-26) and storing the data until the mobile node becomes available instruction to send received data to the mobile node when the reachability information indicates that the mobile node has become reachable.

6. Claims 5-6, 9-10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Callon (U.S. Patent 6,058,303) in view of Malkin (U.S. Patent 6,061,650).

Claims 5-6, 9-10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Callon (U.S. Patent 6,058,303) in view of Malkin (U.S. Patent 6,061,650).

With respect to claim 10, Callon disclosed everything as discussed above in claim 1. However, Callon did not explicitly teach the destination address is a care-of address for the mobile node. Malkin clearly teach the destination address is a care-of address for the mobile node (See Title, Abstract, Co. 5, Line 54 – Co. 6, Line 45. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Malkin to Callon to obtain a care-of address on the foreign network as suggested by Malkin (See Co. 6, Lines 25-26).

Regarding claims 5-6, Malkin teaches the data destination in accordance with a user preference (See e.g. Co. 5, Lines 32-47), wherein the user preference specifies the conditions in which the user specified destination is to be used (See Co. 4, Lines 44-62).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Gary, Erika A. can be reached @ (703) 308-0123. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.


Kamran Afshar


ERIKA GARY
PATENT EXAMINER